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7

8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 77/22-535

12 **VARUZHAN STAMBOULIAN, DBA**
13 **SIMPLY THE BEST SMOG**
14 **11232 Vanowen St., #10**
15 **North Hollywood, CA 91605**

ACCUSATION

16 **Automotive Repair Dealer Registration No.**
17 **ARD 227979**
18 **Smog Check Station License No. RC 227979**
19 **Brake Station License No. BS 227979, Class**
20 **C**
21 **Lamp Station License No. LS 227979, Class**
22 **A**

23 **and**

24 **VARUZHAN STAMBOULIAN**
25 **11232 Vanowen St., #10**
26 **North Hollywood, CA 91605**

27 **Smog Check Inspector License No. EO**
28 **145708**
Smog Check Repair Technician License No.
EI 145708
Brake Adjuster License No. BA 145708,
Class C
Lamp Adjuster License No. LA 145708,
Class A

Respondents.

PARTIES

1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as the Chief of the Bureau of Automotive Repair , Department of Consumer Affairs.

2. In 2003, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 227979 to Varuzhan Stambouljian, dba Simply the Best Smog (Respondent). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2023, unless renewed.

3. On or about May 6, 2016, the Bureau of Automotive Repair issued Smog Check Station License Number RC 227979 to Varuzhan Stambouljian, dba Simply the Best Smog (Respondent). The Smog Check Station License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2023, unless renewed.

4. On or about April 10, 2017, the Bureau of Automotive Repair issued Brake Station License Number BS 227979, Class C, to Varuzhan Stambouljian, dba Simply the Best Smog (Respondent). The Brake Station License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2023, unless renewed.

5. On or about April 10, 2017, the Bureau of Automotive Repair issued Lamp Station License Number LS 227979, Class A, to Varuzhan Stambouljian, dba Simply the Best Smog (Respondent). The Lamp Station License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2023, unless renewed.

6. On or about August 10, 2012, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 145708 to Varuzhan Stambouljian (Respondent). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2024, unless renewed.

7. On or about August 10, 2012, the Bureau of Automotive Repair issued Smog Check Repair Technician License Number EI 145708 to Varuzhan Stambouljian (Respondent). The Smog Check Repair Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2024, unless renewed.

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8. On or about July 20, 2015, the Bureau of Automotive Repair issued Brake Station License Number BA 145708, Class C to Varuzhan Stambouljian (Respondent). The Brake Station License was in full force and effect at all times relevant to the charges brought herein and expired on August 31, 2022.

9. On or about July 20, 2015, the Bureau of Automotive Repair issued Lamp Station License Number LA 145708, Class A to Varuzhan Stambouljian (Respondent). The Lamp Station License was in full force and effect at all times relevant to the charges brought herein and expired on August 31, 2022.

JURISDICTION

10. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

11. Business and Professions Code (“Bus. & Prof. Code”) section 9889.1 provides, in relevant part, that any license issued pursuant to Articles 5 and 6, may be suspended or revoked by the director.

12. Bus. & Prof. Code section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

13. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration .

14. Health and Safety Code (“Health & Saf. Code”) section 44002 provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

15. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

STATUTORY PROVISIONS

16. Section 9884.7 of the Code states:

"(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.

"(1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

. . . .

"(4) Any other conduct which constitutes fraud.

"(5) Conduct constituting gross negligence.

"(6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it."

17. Section 9884.8 of the Code states:

"All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be given to the customer and one copy shall be retained by the automotive repair dealer."

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1 18. Section 9884.9 of the Code states:

2 "(a) The automotive repair dealer shall give to the customer a written estimated price for
3 labor and parts necessary for a specific job. No work shall be done and no charges shall accrue
4 before authorization to proceed is obtained from the customer. No charge shall be made for work
5 done or parts supplied in excess of the estimated price without the oral or written consent of the
6 customer that shall be obtained at some time after it is determined that the estimated price is
7 insufficient and before the work not estimated is done or the parts not estimated are supplied.
8 Written consent or authorization for an increase in the original estimated price may be provided
9 by electronic mail or facsimile transmission from the customer. The bureau may specify in
10 regulation the procedures to be followed by an automotive repair dealer if an authorization or
11 consent for an increase in the original estimated price is provided by electronic mail or facsimile
12 transmission. If that consent is oral, the dealer shall make a notation on the work order of the
13 date, time, name of person authorizing the additional repairs and telephone number called, if any,
14 together with a specification of the additional parts and labor and the total additional cost, and
15 shall do either of the following:

16 "(1) Make a notation on the invoice of the same facts set forth in the notation on the work
17 order .

18 A(2) Upon completion of the repairs, obtain the customer's signature or initials to an
19 acknowledgment of notice and consent, if there is an oral consent of the customer to additional
20 repairs, in the following language:

21 "I acknowledge notice and oral approval of an increase in the original estimated price.

22 _____

23 (signature or initials)"

24 "Nothing in this section shall be construed as requiring an automotive repair dealer to give a
25 written estimated price if the dealer does not agree to perform the requested repair."

26 19. Section 9888.3 of the Code states:

27 "No person shall operate an "official" lamp or brake adjusting station unless a license
28 therefor has been issued by the director. No person shall issue, or cause or permit to be issued,

1 any certificate purporting to be an official lamp adjustment certificate unless he or she is a
2 licensed lamp adjuster or an official brake adjustment certificate unless he or she is a licensed
3 brake adjuster.”

4 20. Section 9889.1 of the Code states:

5 "Any license issued pursuant to Articles 5 and 6 [commencing with section 9887.1 of the
6 Automotive Repair Act], may be suspended or revoked by the director. The director may refuse
7 to issue a license to any applicant for the reasons set forth in Section 9889.2. The proceedings
8 under this article shall be conducted in accordance with Chapter 5 (commencing with Section
9 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all
10 the powers granted therein."

11 21. Section 9889.3 of the Code states:

12 "The director may suspend, revoke, or take other disciplinary action against a license as
13 provided in this article [Article 7 (commencing with section 9889.1) of Chapter 20.3 of Division
14 3 of the Business and Professions Code] if the licensee or any partner, officer, or director thereof:

15 "(a) Violates any section of the Business and Professions Code which relates to his or her
16 licensed activities.

17

18 "(c) Violates any of the regulations promulgated by the director pursuant to this chapter [the
19 Automotive Repair Act].

20 "(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.

21

22 "(h) Violates or attempts to violate the provisions of this chapter relating to the particular
23 activity for which he or she is licensed.”

24 22. Section 9889.16 of the Code states:

25 “Whenever a licensed adjuster in a licensed station upon an inspection or after an
26 adjustment, made in conformity with the instructions of the bureau, determines that the lamps or
27 the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when
28 requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form

1 prescribed by the director, which certificate shall contain the date of issuance, the make and
2 registration number of the vehicle, the name of the owner of the vehicle, and the official license
3 of the station.”

4 23. Section 9889.22 of the Code states:

5 “The willful making of any false statement or entry with regard to a material matter in any
6 oath, affidavit, certificate of compliance or noncompliance, or application form which is required
7 by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the
8 Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.”

9 **REGULATORY PROVISIONS**

10 24. California Code of Regulations, title 16, section 3305 states, in pertinent part:

11 (a) Performance Standards. All adjusting, inspecting, servicing, and repairing of brake
12 systems and lamp systems shall be performed in official stations in accordance with current
13 standards, specifications, instructions, and directives issued by the bureau and by the
14 manufacturer of the device or vehicle.

15 “(b) The specific activities for which an official station is licensed shall be performed only
16 in an area of the station that has been approved by the bureau. Other work may be performed in
17 the approved area, as desired. The work area shall be within a building and shall be large enough
18 to accommodate the motor vehicle being serviced. The bureau may make an exception to the
19 preceding requirement by approving a work area adjacent to a building for purposes of inspecting
20 and adjusting equipment and devices on buses, trucks, truck tractors, trailers, and semitrailers.
21 The work area shall be kept clean and orderly.”

22 25. California Code of Regulations, title 16, section 3316 states, in pertinent part:

23 “(d)(2) Inspection of the Entire Lighting System. “Where all of the lamps, lighting
24 equipment, and related electrical systems on a vehicle have been inspected and found in
25 compliance with all requirements of the Vehicle Code and bureau regulations, the certificate shall
26 certify that the entire system meets all such those requirements.”

27 26. California Code of Regulations, title 16, section 3321 states, in pertinent part:

28 “(c)(2) Inspection of the Entire Brake System. “Where the entire brake system on

any vehicle has been inspected or tested and found in compliance with all requirements of the Vehicle Code and bureau regulations, and the vehicle has been road-tested, the certificate shall certify that the entire system meets all such requirements.”

27. California Code of Regulations, title 16, section 3353, states:

"No work for compensation shall be commenced and no charges shall accrue without specific authorization from the customer in accordance with the following requirements:

"(a) Estimate for Parts and Labor. Every dealer shall give to each customer a written estimated price for labor and parts for a specific job.”

28. California Code of Regulations, title 16, section 3356, states:

“(a) All invoices for service and repair work performed, and parts supplied, as provided for in Section 9884.8 of the Business and Professions Code, shall comply with the following:

....

“(2) The invoice shall separately list, describe and identify all of the following:

....

“(B) Each part supplied, in such a manner that the customer can understand what was purchased, and the price for each described part. The description of each part shall state whether the part was new, used, reconditioned, rebuilt, or an OEM crash part, or a non-OEM aftermarket crash part.

....

“(E) The applicable sales tax, if any.”

29. California Code of Regulations, title 16, section 3373, states:

“No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or information which will cause any such document to be false or misleading, or where the tendency or effect thereby would be to mislead or deceive customers, prospective customers, or the public.”

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1 **COST RECOVERY**

2 30. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **UNDERCOVER OPERATION NO. 1: 2003 HONDA**

9 31. On January 7, 2022, an undercover operator of the Bureau ("operator") took the
10 Bureau's 2003 Honda vehicle to Respondent Varuzhan Stambouljian dba Simply the Best Smog's
11 facility and requested brake and lamp inspections. The vehicle's brake system was documented
12 with the left front disc brake rotor below the manufacturer's minimum thickness specification and
13 the right rear brake drum beyond the maximum diameter. Tamper indicators were installed to
14 detect wheel removal. The vehicle's lamp system was documented with both the left and right
15 headlamps positioned beyond the manufacturer's specification for proper headlamp alignment.
16 Tamper indicators were installed to detect adjustment.

17 32. The operator arrived at Respondent Varuzhan Stambouljian dba Simply the Best
18 Smog's facility and parked the 2003 Honda in front of the facility and requested the brake and
19 lamp inspections. The operator did not sign nor was she provided with an estimate before the
20 inspections began. The operator remained in the facility while the inspections were being done.
21 The operator observed a male individual look over the vehicle. During the inspection, the
22 operator observed that the 2003 Honda was not lifted up on a hoist and the wheels were not
23 removed. Also, the vehicle was not taken on a test drive but instead, was driven back and forth in
24 the facility parking lot. The operator paid \$100 and signed and received an invoice, and was given
25 Certificate of Compliance – Brake Adjustment number BA 3671033 and Certificate of
26 Compliance – Lamp Adjustment number LA 3625383.

27 33. On January 20, 2022, a Bureau representative re-inspected the vehicle and verified
28 that the left front disc brake rotor and the right rear brake drum were still exceeding the

1 manufacturer's service limit specification. He also found that the tamper indicators on the wheels
2 were intact and undisturbed indicating the wheels were not removed. In this condition the 2003
3 Honda would not pass a properly performed brake inspection. In addition, the Bureau
4 representative re-inspected the vehicle's lamp system and verified that the headlamps remained
5 above the manufacturer specification. He also found that the tamper indicators on the adjustment
6 screws were intact indicating the repair facility did not perform any adjustments to the vehicle's
7 misadjusted headlamps. In this condition the 2003 Honda would not pass a properly performed
8 lamp inspection.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Untrue and Misleading Statement)**

11 34. Respondent Varuzhan Stambouljian dba Simply the Best Smog's registration is
12 subject to discipline under Code section 9884.7, subdivision (a)(1) and California Code of
13 Regulation, title 16, section 3373, in that on or about January 7, 2022, regarding the 2003 Honda
14 vehicle, Respondent Varuzhan Stambouljian dba Simply the Best Smog made or authorized
15 statements which it knew or in the exercise of reasonable care should have known to be untrue or
16 misleading, as follows:

17 a. Respondent Varuzhan Stambouljian dba Simply the Best Smog certified under penalty
18 of perjury on Brake Certificate Number BA 3671033 that the applicable inspection was
19 performed on the brake system when, in fact, Respondent Varuzhan Stambouljian dba Simply the
20 Best Smog's adjuster failed to properly inspect the brake system on the vehicle.

21 b. Respondent Varuzhan Stambouljian dba Simply the Best Smog certified under penalty
22 of perjury on Lamp Certificate Number LA 3625383 that the applicable adjustment had been
23 performed on the lamp system when, in fact, it had not.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Fraud)**

26 35. Respondent Varuzhan Stambouljian dba Simply the Best Smog's registration is
27 subject to discipline pursuant to Code section 9884.7, subdivision (a)(4), in that on or about
28

1 January 7, 2022, regarding the 2003 Honda vehicle, Respondent Varuzhan Stamboulian dba
2 Simply the Best Smog committed acts that constitute fraud, as follows:

3 a. Respondent Varuzhan Stamboulian dba Simply the Best Smog obtained payment
4 from the operator for performing the applicable inspections and adjustments on the vehicle's
5 brake and lamp systems as specified by the Bureau and in accordance with the Vehicle Code
6 when, in fact, Respondent Varuzhan Stamboulian dba Simply the Best Smog failed to perform the
7 necessary inspections.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Gross Negligence)**

10 36. Respondent Varuzhan Stamboulian dba Simply the Best Smog's registration is
11 subject to discipline under Code section 9884.7, subdivision (a)(5), in that on or about January 7,
12 2022, regarding the 2003 Honda vehicle, Respondent Varuzhan Stamboulian dba Simply the Best
13 Smog committed acts constituting gross negligence, in that Respondent, failed to properly inspect
14 the vehicle's brake and lamp systems and issued Brake Certificate BA 3671033 and Lamp
15 Certificate Number LA 3625383, indicating that the vehicle's brake and lamp systems were in
16 satisfactory condition and were in accordance with the Vehicle Code when, in fact, they were not.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Failure to Provide a Copy of a Signed Document)**

19 37. Respondent Varuzhan Stamboulian dba Simply the Best Smog's registration is
20 subject to discipline under California Code of Regulation, title 16, section 3353, subdivision (a),
21 in that on or about January 7, 2022, regarding the 2003 Honda vehicle, Respondent Varuzhan
22 Stamboulian dba Simply the Best Smog failed to provide the operator with a copy of the estimate.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Failure to Comply with the Code)**

25 38. Respondent Varuzhan Stamboulian dba Simply the Best Smog's registration is
26 subject to discipline pursuant to Code section, subdivision 9884.7(a)(6), in that on or about
27 January 7, 2022, regarding the 2003 Honda vehicle, Respondent Varuzhan Stamboulian dba
28

Simply the Best Smog failed to comply with provisions of that Code in the following material respects:

a. **Section 9884.9, subdivision (a):** Respondent Varuzhan Stambouljian dba Simply the Best Smog failed to provide the operator with a written estimated price for parts and labor for a specific job.

b. **Section 9889.16:**

i. Respondent Varuzhan Stambouljian dba Simply the Best Smog issued Brake Certificate Number BA 3671033 for the vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of the Vehicle Code, in that the left front disc brake rotor and the right rear brake drum were still exceeding the manufacturer's service limit specification.

ii. Respondent Varuzhan Stambouljian dba Simply the Best Smog issued Lamp Certificate Number LA 3625383 for the vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of the Vehicle Code, in that the headlamps remained above the manufacturer specifications.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

39. Respondent Varuzhan Stambouljian dba Simply the Best Smog's registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(6), in that on or about January 7, 2022, regarding the 2003 Honda vehicle, Respondent Varuzhan Stambouljian dba Simply the Best Smog failed to comply with provisions of California Code of Regulations, title 16, in the following material respects:

a. **Section 3305, subdivision (a):** Respondent Varuzhan Stambouljian dba Simply the Best Smog failed to perform a brake and lamp inspection in accordance with the vehicle's manufacturer standards and/or current standards, specifications, recommended procedures, and/or directives issued by the Bureau.

b. **Section 3316, subdivision (d)(2):** Respondent Varuzhan Stambouljian dba Simply the Best Smog issued Lamp Certificate Number LA 3625383, certifying that the vehicle's lamp system had been inspected and was in satisfactory condition when, in fact, it was not.

c. **Section 3321, subdivision (c)(2):** Respondent Varuzhan Stambouljian dba Simply the Best Smog issued Brake Certificate Number BA 3671033, certifying that the vehicle's brake system had been inspected and was in satisfactory condition when, in fact, it was not.

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

40. Respondent Varuzhan Stambouljian dba Simply the Best Smog's brake and lamp station licenses are subject to discipline under Code section 9889.3, subdivision (a), in that on or about January 7, 2022, regarding the 2003 Honda vehicle, Respondent Varuzhan Stambouljian dba Simply the Best Smog violated sections of the Code, relating to its licensed activities, as more particularly set forth above in paragraphs 31 through 33, inclusive.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

41. Respondent Varuzhan Stambouljian dba Simply the Best Smog's brake and lamp station licenses are subject to discipline under Code section 9889.3, subdivision (c), in that on or about January 7, 2022, regarding the 2003 Honda vehicle, Respondent Varuzhan Stambouljian dba Simply the Best Smog failed to comply with provisions of California Code of Regulations, title 16, as more particularly set forth above in paragraphs 31 through 33, inclusive.

NINTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

42. Respondent Varuzhan Stambouljian dba Simply the Best Smog's brake and lamp station licenses are subject to discipline under Code section 9889.3, subdivisions (a) and (h), in that on or about January 7, 2022, regarding the 2003 Honda vehicle, Respondent Varuzhan Stambouljian dba Simply the Best Smog violated Code section 9889.16 relating to his licensed activities, as more particularly set forth above in paragraphs 31 through 33, inclusive.

TENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

43. Respondent Varuzhan Stambouljian dba Simply the Best Smog's brake and lamp station licenses are subject to discipline pursuant to Code section 9889.3, subdivision (d), in that

on or about January 7, 2022, regarding the 2003 Honda vehicle, Respondent Varuzhan Stambouljian dba Simply the Best Smog committed acts involving dishonesty, fraud, or deceit whereby another was injured, as more particularly set forth above in paragraphs 31 through 33, inclusive.

ELEVENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Provisions of the Automotive Repair Act)

44. Respondent Varuzhan Stambouljian dba Simply the Best Smog's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(6), in that Respondent Varuzhan Stambouljian dba Simply the Best Smog failed to comply with the Automotive Repair Act by issuing a Certificate of Compliance to a vehicle documented to fail a properly performed brake and lamp inspection, as more particularly set forth above in paragraphs 31 through 33, inclusive.

TWELFTH CAUSE FOR DISCIPLINE

(Perjury)

45. Respondent Varuzhan Stambouljian dba Simply the Best Smog's brake and lamp station licenses are subject to discipline pursuant to Code section 9889.22, in that on or about January 7, 2022, regarding the 2003 Honda vehicle, Respondent Varuzhan Stambouljian dba Simply the Best Smog's committed perjury, as more particularly set forth above in paragraphs 31 through 33, inclusive.

THIRTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

46. Respondent Stambouljian's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (c), in that on or about January 7, 2022, regarding the 2003 Honda vehicle, Respondent Stambouljian failed to comply with provisions of California Code of Regulations, title 16, as more particularly set forth above in paragraphs 31 through 33, inclusive.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 **(Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)**

3 47. Respondent Stambouljian's brake and lamp adjuster licenses are subject to discipline
4 under Code section 9889.3, subdivision (d), in that on or January 7, 2022, regarding the 2003
5 Honda vehicle, Respondent Stambouljian committed acts involving dishonesty, fraud, or deceit,
6 by issuing Brake Certificate Number BA 3671033 and Lamp Certificate Number LA 3625383,
7 certifying that the brake and lamp systems were in satisfactory condition and in accordance with
8 the Vehicle Code, when, in fact, they were not.

9 **FIFTEENTH CAUSE FOR DISCIPLINE**

10 **(Perjury)**

11 48. Respondent Stambouljian's brake and lamp adjuster licenses are subject to discipline
12 pursuant to Code section 9889.22, in that on or about January 7, 2022, regarding the 2003 Honda
13 vehicle, Respondent Stambouljian committed perjury, as more particularly set forth above in
14 paragraphs 31 through 33, inclusive.

15 **UNDERCOVER OPERATION NO. 2: 2000 MAZDA**

16 49. On February 10, 2022, an undercover operator of the Bureau ("operator") took the
17 Bureau's 2000 Mazda vehicle to Respondent Varuzhan Stambouljian dba Simply the Best Smog's
18 facility and requested brake and lamp inspections. The vehicle's brake system was documented
19 with the right front disc brake rotor and left rear brake drum machined beyond the manufacturer's
20 service limits. Tamper indicators were installed to detect wheel removal. The vehicle's lamp
21 system was documented with both the left and right headlamps positioned beyond the
22 manufacturer's specification for proper headlamp alignment. Tamper indicators were installed to
23 detect adjustment.

24 50. The operator arrived at Respondent Varuzhan Stambouljian dba Simply the Best
25 Smog's facility and parked the 2000 Mazda in front of the facility and requested the brake and
26 lamp inspections. The operator did not sign nor was she provided with an estimate before the
27 inspections began. The operator remained in the facility while the inspections were being done.
28 The operator observed a male individual look over the vehicle. During the inspection, the

operator observed that the 2000 Mazda was not lifted up on a hoist and the wheels were not removed. Also, during the inspection, the lights were not turned and the vehicle was not taken on a test drive. The operator paid \$80.00 and signed and received an invoice, and was given Certificate of Compliance – Brake Adjustment number BA 3687023 and Certificate of Compliance – Lamp Adjustment number LA 3641373.

51. Between February 15, 2022 and February 23, 2022, a Bureau representative re-inspected the vehicle and verified that the right front disc brake rotor and the left rear brake drum were still exceeding the manufacturer's service limit specification. He also found that the tamper indicators on the wheels were intact and undisturbed indicating the wheels were not removed. In this condition the 2000 Mazda would not pass a properly performed brake inspection. In addition, the Bureau representative re-inspected the vehicle's lamp system and verified that the headlamps remained outside the manufacturer specification. He also found that the tamper indicators on the adjustment screws were intact indicating the repair facility did not perform any adjustments to the vehicle's misadjusted headlamps. In this condition the 2000 Mazda would not pass a properly performed lamp inspection.

SIXTEENTH CAUSE FOR DISCIPLINE

(Untrue and Misleading Statement)

52. Respondent Varuzhan Stamboulion dba Simply the Best Smog's registration is subject to discipline under Code section 9884.7, subdivision (a)(1) and California Code of Regulation, title 16, section 3373, in that on or about February 10, 2022, regarding the 2000 Mazda vehicle, Respondent Varuzhan Stamboulion dba Simply the Best Smog made or authorized statements which it knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows:

a. Respondent Varuzhan Stamboulion dba Simply the Best Smog certified under penalty of perjury on Brake Certificate Number BA 3687023 that the applicable inspection was performed on the brake system when, in fact, Respondent Varuzhan Stamboulion dba Simply the Best Smog's adjuster failed to properly inspect the brake system on the vehicle.

1 b. Respondent Varuzhan Stambouljian dba Simply the Best Smog certified under penalty
2 of perjury on Lamp Certificate Number LA 3641373 that the applicable adjustment had been
3 performed on the lamp system when, in fact, it had not.

4 **SEVENTEENTH CAUSE FOR DISCIPLINE**

5 **(Fraud)**

6 53. Respondent Varuzhan Stambouljian dba Simply the Best Smog's registration is
7 subject to discipline pursuant to Code section 9884.7, subdivision (a)(4), in that on or about
8 February 10, 2022, regarding the 2000 Mazda vehicle, Respondent Varuzhan Stambouljian dba
9 Simply the Best Smog committed acts that constitute fraud, as follows:

10 a. Respondent Varuzhan Stambouljian dba Simply the Best Smog obtained payment
11 from the operator for performing the applicable inspections and adjustments on the vehicle's
12 brake and lamp systems as specified by the Bureau and in accordance with the Vehicle Code
13 when, in fact, Respondent Varuzhan Stambouljian dba Simply the Best Smog failed to perform the
14 necessary inspections.

15 **EIGHTEENTH CAUSE FOR DISCIPLINE**

16 **(Gross Negligence)**

17 54. Respondent Varuzhan Stambouljian dba Simply the Best Smog's registration is
18 subject to discipline under Code section 9884.7, subdivision (a)(5), in that on or about February
19 10, 2022, regarding the 2000 Mazda vehicle, Respondent Varuzhan Stambouljian dba Simply the
20 Best Smog committed acts constituting gross negligence, in that Respondent, failed to properly
21 inspect the vehicle's brake and lamp systems and issued Brake Certificate BA 3687023 and Lamp
22 Certificate Number LA 3641373, indicating that the vehicle's brake and lamp systems were in
23 satisfactory condition and were in accordance with the Vehicle Code when, in fact, they were not.

24 **NINETEENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Provide a Copy of a Signed Document)**

26 55. Respondent Varuzhan Stambouljian dba Simply the Best Smog's registration is
27 subject to discipline under California Code of Regulation, title 16, section 3353, subdivision (a),
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1 in that on or about February 10, 2022, regarding the 2000 Mazda vehicle, Respondent Varuzhan
2 Stambouljian dba Simply the Best Smog failed to provide the operator with a copy of the estimate.

3 **TWENTIETH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with the Code)**

5 56. Respondent Varuzhan Stambouljian dba Simply the Best Smog's registration is
6 subject to discipline pursuant to Code section, subdivision 9884.7(a)(6), in that on or about
7 February 10, 2022, regarding the 2000 Mazda vehicle, Respondent Varuzhan Stambouljian dba
8 Simply the Best Smog failed to comply with provisions of that Code in the following material
9 respects:

10 a. **Section 9884.9, subdivision (a):** Respondent Varuzhan Stambouljian dba Simply the
11 Best Smog failed to provide the operator with a written estimated price for parts and labor for a
12 specific job.

13 b. **Section 9889.16:**

14 i. Respondent Varuzhan Stambouljian dba Simply the Best Smog issued Brake
15 Certificate Number BA 3687023 for the vehicle, when the vehicle was not in compliance with
16 Bureau regulations or the requirements of the Vehicle Code, in that the right front disc brake rotor
17 and the left rear brake drum were still exceeding the manufacturer's service limit specification.

18 ii. Respondent Varuzhan Stambouljian dba Simply the Best Smog issued Lamp
19 Certificate Number LA 3641373 for the vehicle, when the vehicle was not in compliance with
20 Bureau regulations or the requirements of the Vehicle Code, in that the headlamps remained
21 outside the manufacturer specifications.

22 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Regulations)**

24 57. Respondent Varuzhan Stambouljian dba Simply the Best Smog's registration is
25 subject to discipline pursuant to Code section 9884.7, subdivision (a)(6), in that on or about
26 February 10, 2022, regarding the 2000 Mazda vehicle, Respondent Varuzhan Stambouljian dba
27 Simply the Best Smog failed to comply with provisions of California Code of Regulations, title
28 16, in the following material respects:

1 a. **Section 3305, subdivision (a):** Respondent Varuzhan Stambouljian dba Simply
2 the Best Smog failed to perform a brake and lamp inspection in accordance with the vehicle's
3 manufacturer standards and/or current standards, specifications, recommended procedures, and/or
4 directives issued by the Bureau.

5 b. **Section 3316, subdivision (d)(2):** Respondent Varuzhan Stambouljian dba Simply
6 the Best Smog issued Lamp Certificate Number LA 3641373, certifying that the vehicle's lamp
7 system had been inspected and was in satisfactory condition when, in fact, it was not.

8 c. **Section 3321, subdivision (c)(2):** Respondent Varuzhan Stambouljian dba Simply
9 the Best Smog issued Brake Certificate Number BA 3687023, certifying that the vehicle's brake
10 system had been inspected and was in satisfactory condition when, in fact, it was not.

11 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with the Code)**

13 58. Respondent Varuzhan Stambouljian dba Simply the Best Smog's brake and lamp
14 station licenses are subject to discipline under Code section 9889.3, subdivision (a), in that on or
15 about February 10, 2022, regarding the 2000 Mazda vehicle, Respondent Varuzhan Stambouljian
16 dba Simply the Best Smog violated sections of the Code, relating to its licensed activities, as
17 more particularly set forth above in paragraphs 49 through 51, inclusive.

18 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Regulations)**

20 59. Respondent Varuzhan Stambouljian dba Simply the Best Smog's brake and lamp
21 station licenses are subject to discipline under Code section 9889.3, subdivision (c), in that on or
22 about February 10, 2022, regarding the 2000 Mazda vehicle, Respondent Varuzhan Stambouljian
23 dba Simply the Best Smog failed to comply with provisions of California Code of Regulations,
24 title 16, as more particularly set forth above in paragraphs 49 through 51, inclusive.

25 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

26 **(Failure to Comply with the Code)**

27 60. Respondent Varuzhan Stambouljian dba Simply the Best Smog's brake and lamp
28 station licenses are subject to discipline under Code section 9889.3, subdivisions (a) and (h), in

1 that on or about February 10, 2022, regarding the 2000 Mazda vehicle, Respondent Varuzhan
2 Stambouljian dba Simply the Best Smog violated Code section 9889.16 relating to his licensed
3 activities, as more particularly set forth above in paragraphs 49 through 51, inclusive.

4 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

5 **(Dishonesty, Fraud, or Deceit)**

6 61. Respondent Varuzhan Stambouljian dba Simply the Best Smog's brake and lamp
7 station licenses are subject to discipline pursuant to Code section 9889.3, subdivision (d), in that
8 on or about February 10, 2022, regarding the 2000 Mazda vehicle, Respondent Varuzhan
9 Stambouljian dba Simply the Best Smog committed acts involving dishonesty, fraud, or deceit
10 whereby another was injured, as more particularly set forth above in paragraphs 49 through 51,
11 inclusive.

12 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with the Provisions of the Automotive Repair Act)**

14 62. Respondent Varuzhan Stambouljian dba Simply the Best Smog's registration is
15 subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(6), in that
16 Respondent Varuzhan Stambouljian dba Simply the Best Smog failed to comply with the
17 Automotive Repair Act by issuing a Certificate of Compliance to a vehicle documented to fail a
18 properly performed brake and lamp inspection, as more particularly set forth above in paragraphs
19 49 through 51, inclusive.

20 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

21 **(Perjury)**

22 63. Respondent Varuzhan Stambouljian dba Simply the Best Smog's brake and lamp
23 station licenses are subject to discipline pursuant to Code section 9889.22, in that on or about
24 February 10, 2022, regarding the 2000 Mazda vehicle, Respondent Varuzhan Stambouljian dba
25 Simply the Best Smog's committed perjury, as more particularly set forth above in paragraphs 49
26 through 51, inclusive.

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1 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations)**

3 64. Respondent Stambouljian's brake and lamp adjuster licenses are subject to discipline
4 under Code section 9889.3, subdivision (c), in that on or about February 10, 2022, regarding the
5 2000 Mazda vehicle, Respondent Stambouljian failed to comply with provisions of California
6 Code of Regulations, title 16, as more particularly set forth above in paragraphs 49 through 51
7 inclusive.

8 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

9 **(Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)**

10 65. Respondent Stambouljian's brake and lamp adjuster licenses are subject to discipline
11 under Code section 9889.3, subdivision (d), in that on or February 10, 2022, regarding the 2000
12 Mazda vehicle, Respondent Stambouljian committed acts involving dishonesty, fraud, or deceit,
13 by issuing Brake Certificate Number BA 3687023 and Lamp Certificate Number LA 3641373,
14 certifying that the brake and lamp systems were in satisfactory condition and in accordance with
15 the Vehicle Code, when, in fact, they were not.

16 **THIRTIETH CAUSE FOR DISCIPLINE**

17 **(Perjury)**

18 66. Respondent Stambouljian's brake and lamp adjuster licenses are subject to discipline
19 pursuant to Code section 9889.22, in that on or about February 10, 2022, regarding the 2000
20 Mazda vehicle, Respondent Stambouljian committed perjury, as more particularly set forth above
21 in paragraphs 49 through 51, inclusive.

22 **OTHER MATTERS**

23 67. Pursuant to Code section 9884.7, subdivision (c), the director may suspend, revoke,
24 or place on probation the registrations for all places of business operated in this state by Varuzhan
25 Stambouljian, upon a finding that it has, or is, engaged in a course of repeated and willful
26 violation of the laws and regulations pertaining to an automotive repair dealer.

27 68. Pursuant to Code section 9889.9, if Lamp Station License Number LS 227979, Class
28 A issued to Varuzhan Stambouljian, is revoked or suspended, any additional license issued under

Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensees may be likewise revoked or suspended by the director.

69. Pursuant to Code section 9889.9, if Brake Station License Number BS 227979, Class C issued to Varuzhan Stamboulian, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensees may be likewise revoked or suspended by the director.

70. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 145708, Class C issued to Respondent Varuzhan Stamboulian, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be likewise revoked or suspended by the director.

71. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 145708, Class A issued to Respondent Varuzhan Stamboulian, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be likewise revoked or suspended by the director.

72. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this state by Respondent Varuzhan Stamboulian dba Simply the Best Smog upon a finding that he has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

73. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test and Repair Station License No. RC 227979, issued to Varuzhan Stamboulian dba Simply the Best Smog is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

74. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector and Smog Check Repair Technician License No. 145708 issued to Varuzhan Stamboulian is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health

1 and Safety Code in the name of said licensee may be likewise revoked or suspended by the
2 director.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Director of the Department of Consumer Affairs issue a
6 decision:

7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
8 227979, issued to Varuzhan Stamboulion, dba Simply the Best Smog;

9 2. Revoking or suspending Smog Check Station License Number RC 227979, issued to
10 Varuzhan Stamboulion, dba Simply the Best Smog;

11 3. Revoking or suspending Brake Station License Number BS 227979, Class C, issued
12 to Varuzhan Stamboulion, dba Simply the Best Smog;

13 4. Revoking or suspending Lamp Station License Number LS 227979, Class A, issued
14 to Varuzhan Stamboulion, dba Simply the Best Smog;

15 5. Revoking or suspending Smog Check Inspector License Number EO 145708, issued
16 to Varuzhan Stamboulion;

17 6. Revoking or suspending Smog Check Repair Technician License Number EI 145708,
18 issued to Varuzhan Stamboulion;

19 7. Revoking or suspending Brake Adjuster License Number BA 145708, Class C, issued
20 to Varuzhan Stamboulion;

21 8. Revoking or suspending Lamp Adjuster License Number LA 145708, Class A, issued
22 to Varuzhan Stamboulion;

23 9. Ordering Varuzhan Stamboulion, dba Simply the Best Smog and Varuzhan
24 Stamboulion to pay the Bureau of Automotive Repair the reasonable costs of the investigation
25 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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10. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

Dorais,
Patrick@DCA

Digitally signed by
Dorais, Patrick@DCA
Date: 2022.11.10
12:07:24 -08'00'

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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